

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOINT FINAL STATUS CONFERENCE MEMORANDUM

The United States of America, by Andrew E. Lelling, United States Attorney for the District of Massachusetts, and Eric S. Dreiband, Assistant Attorney General, and through the undersigned attorneys; and the defendants, Gregg A. Bigda, by and through his attorney, Matthew D. Thompson, Esq., and Steven M. Vigneault, by and through his attorney, Shawn Allyn, submit this memorandum to address the issues delineated in Local Rule 116.5(c) and (d).

1. The government represents that it has produced all required discovery, as well as discovery that was not required to be produced until closer to trial. Defendants have filed three written discovery requests (Doc. Nos. 26, 40, 65), to which the government has timely responded in writing (Doc. Nos. 30, 45, 70). The government is awaiting the Defendants' response regarding any discovery disputes they believe are outstanding with respect to their most recent written discovery requests, to which the government responded on June 6, 2019 (Doc. No. 70). The government intends to produce any additional discovery required by the Local Rules within 21 days of trial. Defendant Vigneault represents that he will file a motion to compel before the final status conference.

2. In December 2018, the government entered into a stipulated protective order with Defendant Bigda governing the dissemination of discovery materials (Doc. No. 29), and filed a motion for entry of a protective order governing discovery materials produced to Defendant

Vigneault (Doc. No. 32), which Magistrate Judge Robertson entered for the reasons outlined in her Memorandum and Order (Doc. Nos. 49-50). Defendant Vigneault appealed that decision (Doc. No. 52), the government opposed the appeal (Doc. No. 56), and the Court heard oral argument on the issue and has taken it under advisement (Doc. No. 74). The government will produce additional non-required discovery to Defendant Vigneault upon the resolution of the protective order appeal.

3. The Defendants intend to file motions to sever their trials and motions for change of venue. The Court has ordered that such motions are due by September 13, 2019, that the government's responses are due October 14, 2019, and that a hearing will be scheduled following receipt of the government's responses (Doc. No. 73). The Defendants do not intend to file any additional motions arising under Federal Rule of Criminal Procedure 12(b).

4. The parties agree that the ends of justice are served by granting a continuance from June 19, 2019, the date of the final status conference, until the hearing date for the Defendants' motions to sever trials and change venue, which the parties anticipate will take place on or about November 1, 2019. Excluding this time from the calculation of the time within which the trial must begin outweighs the best interests of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A) and Local Rule 112.2. This exclusion will serve the ends of justice because it will permit the Defendants to continue to review discovery materials, the Defendants to research, draft, and file their motions to sever trials and to change venue, and the government to respond to those motions. A proposed order of excludable delay is attached to this status report.

5. The parties anticipate that both defendants will proceed to trial in lieu of pleading guilty. The parties anticipate that a joint trial would take approximately three weeks, and that separate trials would take approximately two weeks each.

6. The parties anticipate that due to the nature of the charges and supporting evidence, there will be a greater-than-usual number of evidentiary issues that will require litigation and resolution before trial.

Respectfully submitted,

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Certificate of Service

June 18, 2019

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Deepika Bains Shukla

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